

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: MERRITT'S HIDEAWAY SUBDIVISION

Case Number: PLD2004-00041; SEP2004-00066; HAB2004-00083;
ARC2003-00073

Location: 8809 NE 88th Street

Request: The applicant is requesting to subdivide an approximate 34.27-acre parcel in 3 phases. The proposal includes 145 single-family residential lots using the county's density transfer provisions, and 1 commercial lot. The subject property is located in the R1-6 and CH zone districts.

Applicant: Aho Construction I, Inc.
Attn: Tom Arrowsmith
5512 NE 109th Court, Suite 101
Vancouver, WA 98662

Contact Person: Minister & Glaeser Surveying, Inc.
Attn: Nicolle Sicilia, Project Planner
2200 E. Evergreen Blvd.
Vancouver, WA 98661

Property Owner: Lusk Investment Co. LLC
8809 NE 88th Street
Vancouver, WA 98662

RECOMMENDATION **DENIAL**

In the event the Hearings Examiner decides to approve this application, findings and conditions have been included.

Team Leader's Initials: _____ **Date Issued:** July 21, 2004

Public Hearing Date: August 5, 2004

<u>County Staff</u>	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
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Supervisor: (Trans. & Stormwater):	Drinkwater, P.E.		
Engineering	Steve Schulte	4017	steve.schulte@clark.wa.gov
Supervisor: (Trans. Concurrency):	P. E.		

Comp Plan Designation: Urban Low Density Residential,
General Commercial

Zoning: R1-6, CH

Parcel Number: Parcel Number 155968-000 located in the Northeast Quarter of Section 5, Township 2 North, Range 2 East of Willamette Meridian; and the Southeast Quarter of Section 5, Township 2 North, Range 2 East of Willamette Meridian

Applicable Laws:

Clark County Code Sections: 12.05A (Transportation); 13.04 (Flood Control District); 13.08A (Sewer); 13.29 (Stormwater and Erosion Control Ordinance); 13.36 (Wetlands); 13.40A (Water); 13.51 (Habitat Conservation); Title 15 (Fire Protection); Title 17 (Land Division); 18.65 (Impact Fees); 18.308 (Single-Family Residential Districts); 18.313 (Commercial Districts); 18.327 (Floodplain Combining Districts); 18.411 (Interpretations and Exceptions); 18.600 (Procedures); 20.06 (SEPA); Title 24 (Public Health); 40.350.020 (Concurrency); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

The subject property is not within the boundaries of a county recognized neighborhood association.

Time Limits:

The application was determined to be fully complete on May 10, 2004 (Ex. 9). Therefore, the County Code requirement for issuing a decision within 92 days lapses on August 10, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on September 7, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 13, 2003. The pre-application was determined to be contingently vested as of October 10, 2003.

The fully complete application was submitted on April 19, 2004 and determined to be fully complete on May 10, 2004. Given these facts the application is vested on October 10, 2003.

Transportation concurrency is based on a first come, first serve basis. If there is sufficient remaining capacity on the roadways that will serve the subject development, the project will be approved for concurrency. Vesting for transportation concurrency (i.e., reservation in the concurrency line) is established at the time the fully complete application was submitted. Therefore, this application vested for concurrency on April 19, 2004.

There are no disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant and property owners within 300 feet of the site on May 27, 2004 (Note: This site is not located within the boundaries of a recognized neighborhood association.) One sign was posted on the subject property and two within the vicinity on July 21, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on July 21, 2004.

Public Comments:

No public comments had been received at the time of issuance of this report.

Project Overview

The subject property, which is located at 8809 NE 88th Street, is zoned R1-6 and CH. Surrounding properties are zoned R1-6, R1-7.5, and CH. The site is relatively flat, with wetland and habitat areas. There is an existing residence with accessory buildings, all of which would be removed. The applicant is proposing a 3-phase development, which includes 145 single-family residential lots using the county's density transfer provisions, and 1 commercial lot. Phase 1 would include the development of single-family residential lots 1-53 and 61-145, as well as a 3.73-acre wetland mitigation tract. Phase two would include the development of single-family residential lots 54-60. Phase 3 includes lot 146, which is currently commercial, but the applicant has indicated that they will seek to rezone this property to single-family residential in the future. This application includes requests for SEPA, habitat permit, wetland permit, and archeological review.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL, GC	R1-6, CH	Single-family residence
North	UL	R1-6	Single-family residences
East	UL	R1-6	Single-family residences, Proposed Church of Christ site
South	UL	R1-6, R1-7.5	Padden Parkway, Single-family residences
West	UL, GC	R1-6, CH	Single-family residences

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

According to CCC 17.301.030, the approval authority cannot approve a preliminary plat without finding that the applicant has sustained the burden of proving that the application complies, or can comply subject to conditions of approval, with the list of approval criteria contained therein. This list includes compliance with CCC 12.05A (Transportation), CCC 12.40 (Transportation Concurrency Management), and CCC 13.29 (Stormwater and Erosion Control). As discussed in the Concurrency and Stormwater Findings below, staff cannot find that the application complies or can

comply with these ordinances. Therefore, staff recommends denial of the preliminary plat application. (See Recommendation below)

In the event the Hearings Examiner decides to approve this application, findings and conditions have been included.

Finding 2

This project is proposed for phased development as shown on the proposed preliminary plat (Ex. 5). Any extension requests shall be in compliance with CCC 18.600.105. (See Condition E-2)

Finding 3

CCC 18.411.015 (B)(2) states:

“The density for property developed in single-family zone districts, if encumbered by land identified as sensitive due to the presence of steep slopes, unstable land, historical or archaeological sites, wetlands and buffers, or other permanent physical development limitations as may be determined by the planning director or land voluntarily set aside for open space or commons as approved by the planning director, from the gross acreage may be transferred to the remaining unencumbered land areas on the same development site...”

Within the portion of the subject property zoned R1-6, the applicant is proposing to transfer density from an area encumbered by wetlands and habitat to the remaining unencumbered areas on the site using the density transfer provisions of CCC 18.411.015(B).

Finding 4

CCC 18.308.060 requires a minimum lot size of 6,000 square feet for new lots in the R1-6 zone. CCC 18.411.015 allows a maximum lot density of 5.8 dwelling units per acre for the area from which density is being transferred. Therefore, allowable density calculations are as follows (Please note: these calculations are based only on the portion of the property zoned R1-6):

Total site area: 29.19 acres

Wetland and Habitat Areas: 3.73 acres

Area deducted for right-of-way: 6.66 acres

Area of site not using density transfer: $29.19 - (3.73 + 6.66) = 18.8$ acres

Max. lots allowed without density transfer: $(18.8 \times 43,560) / 6,000$ square feet = 136 lots

Min. lots allowed without density transfer: $(18.8 \times 43,560) / 8,500$ square feet = 96 lots

Total lots transferred: $3.73 \times 5.8 = 21$ lots

Total minimum lots allowed for this application: 96 lots

Total maximum lots allowed for this application: $136 + 21 = 157$ lots

The applicant is proposing 145 lots (and 1 commercial lot), which therefore is in compliance with these requirements.

Finding 5

CCC 18.411.015(B)(2)(B) states, "A recorded covenant shall be placed on those areas or tracts from which density is transferred prohibiting any development of the parcel or tract inconsistent with its intended use." Therefore, prior to final plat approval the applicant shall provide a covenant for recording, or a copy of a recorded covenant, which prohibits any development of the wetland and habitat areas. (See Condition A-1)

Finding 6

Table 402A-1 would require buffering and landscaping along the northern & eastern portion of Lot 146 where the property abuts R1-6 zoning. If the property is rezoned to single-family residential zoning, then this landscaping requirement would not apply. If it is not rezoned, then the landscaping requirement would be deferred to the time of site plan review.

Buffering and landscaping would also be required along the western and southern portion of the Lot 146, where the property abuts CH zoning. If the property is rezoned, then different buffers will be required. These buffers would be established at the time of subdivision review for Phase 3. If the property is not rezoned, then the landscaping requirement would be deferred to the time of site plan review.

Based on the above review, staff finds that no landscaping and buffering conditions are warranted at this time.

HABITAT:

There are two mapped riparian Habitat Conservation Zone (HCZ's) present on the subject parcel. The riparian designations are associated with Curtin Creek and a tributary (Padden Creek). Both streams are Department of Natural Resources (DNR) type 3 watercourses in this area. According to CCC Table 40.440.010(C)(1)(a) of the Habitat Conservation Ordinance (HCO), a DNR type 3 watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ). The HCZ extends outward from the ordinary high water mark 150 feet, or to the edge of the existing 100-year floodplain, whichever is greater. In this case, the former of the two measurements defines the extent of the riparian HCZ.

The applicant is utilizing internal riparian zone averaging (CCC Chapter 40.440.020(C)(3)) in concert with habitat mitigation in order to accommodate portions of the development. The applicant proposes to reduce the eastern 200' of riparian HCZ width to 100' and compensate for the reduction with comparable acreage west of the creeks. Staff finds the reduction and compensation areas to be functionally equivalent, of comparable square footage, and functionally connected to the existing riparian area. Therefore, the net size, functions, and values of the habitat area will be maintained as required.

In addition to the averaging, the applicant proposes to enhance the existing riparian area. The proposed habitat enhancements include non-native nuisance vegetation removal, native tree and shrub planting, installation of standing and down large-woody debris, and protective fencing. In Exhibit 8, Tab 17 (Habitat Conservation Plan), the applicant provides the necessary analysis showing the existing habitat functions will be

maintained with this project as required under CCC Chapter 40.440.020(A)(2)(a). Therefore, provided the following conditions of approval are implemented, staff finds the subdivision complies with the CCC Chapter 40.440, the Habitat Conservation Ordinance.

1. The applicant shall implement the "Habitat Conservation Plan," submitted by Ecological Land Services, Inc. and dated March 22, 2004, except as amended herein. (See Condition E-4)
2. A copy of this mitigation plan shall be available on-site during construction, for inspection by Clark County development inspection personnel. (See Condition E-5)
3. All requisite mitigation shall be installed prior to Final Plat approval, unless otherwise postponed through the establishment of a performance/maintenance bond, escrow account, or other financial guarantee acceptable to the Planning Director. (See Condition A-2)
4. Appropriate demarcation and signage of the reduced habitat boundaries shall be in place prior to initiating any groundbreaking activity. (See Condition E-6)
5. Signage shall be posted along the habitat boundaries at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and be perpetually maintained by the homeowners in such a manner so as to sufficiently identify and protect habitat functionality. (See Condition E-7)
6. All proposed fencing and required habitat signage shall be placed prior to Final Plat approval. (See Condition A-3)
7. A qualified biologist or environmental consultant shall be on-site during snag erection or downed woody debris placement, in order to minimize habitat disruption to what is absolutely necessary to accomplish the project. (See Condition E-8)
8. A Habitat Conservation Covenant shall be recorded with the Auditor's Office protecting Tract A prior to Final Plat approval. (See Condition A-4)

WETLAND:

Finding 1

Compliance with CCC 13.36 will ensure that the project has no significant environmental impacts to wetlands (see SEPA Determination).

Finding 2

Staff concurs with the March 2004 wetland delineation report prepared by Ecological Land Services as amended in the May 6, 2004 memorandum from Mara McGrath of Ecological Land Services (both documents are contained in Exhibit 8). The site contains two Category 4 wetlands. Wetland A is adjacent to Padden and Curtin Creeks,

and requires a 50 ft. Type D buffer. Wetland B is less than 10,000 sq. ft and, thus, is exempt per CCC 13.36.130 (1).

Finding 3

The proposed preliminary plat and stormwater plan avoid impacts to jurisdictional wetlands and wetland buffers, therefore no further wetland review is required

Conclusion:

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary land division complies with the requirements of the Wetland Protection Ordinance PROVIDED that certain conditions (listed below) are met. Therefore, the requirements of the preliminary plan review criteria are satisfied. (See Conditions D-6 and E-9)

ARCHEOLOGICAL

Finding 1

Evaluative testing was performed on the proposed site by Applied Archeological Research, who found that the site has little potential to contain additional archeological information. For that reason, no additional archeological excavations are recommended. The applicant is required to adhere to all conditions of the Washington State Office of Archaeology and Historic Preservation Excavation Permit #04-01. (See Condition E-10)

TRANSPORTATION CONCURRENCY:

Finding 1

Clark County Public Works Transportation staff has found a significant omission to the traffic study submitted for the proposed Merritt's Hideaway subdivision. The study does not account for the connection of the proposed development to NE 94th Avenue via NE 86th Street. The intersection of NE 86th Street and NE 94th Avenue is the site of a known deficiency based on the study for Church of Christ (PSR2002-00038), also performed by the applicant's traffic engineering consultant. A full analysis of this intersection should be submitted for review by staff. The review of additional information and the resolution of any deficiencies will take some time. As a result, Clark County Public Works Transportation staff is presently unable to make findings with respect to transportation concurrency or offsite transportation safety, and therefore must recommend denial at this time.

TRANSPORTATION:

Circulation Plan

Finding 1

Cross circulation in the vicinity of the site is provided via existing NE 94th Avenue and NE 88th Street. The proposed onsite road extensions can provide circulation within the proposed development and connectivity with the existing roadway network.

The project proposes to retain the existing barricade across NE 86th Street stubbed to

the proposed development site at its easterly boundary. The applicant believes that the barricade should be retained in order to prevent this development from accessing onto the existing portion of this road because the existing width of paved surface and the right-of-way of 40 feet do not meet Clark County standards. In accordance with Section CCC12.05A.230(2)(a), all public or private roads providing access to parcels being developed shall at a minimum have an unobstructed and paved roadway of 20 feet, except in those areas where the preexisting road is 18 feet wide with 1 foot wide shoulders. NE 86th Street from NE 94th Avenue to the easterly property line of Merritt's Hideaway development was fully improved by the Lori's Meadow development (PLD2000-00028) except for a 523-foot section along the southerly boundary of tax lots 23 and 25 which is partially improved with a minimum of 20-foot wide paved roadway with curb/gutter and sidewalk on the south side of the road. The existing road meets the minimum requirements for off-site roads. (See Condition A-5)

Staff finds that the existing roadways and the road extensions will provide adequate cross-circulation for serving the proposed subdivision and will allow future developments to meet the cross circulation standards in compliance with Section CCC 12.05A.110

Roads

Finding 2

NE Padden Parkway, abutting the site on the south, is classified as a 4-lane Principal Arterial Parkway with separated bike/pedestrian path (Pa-4cb). Except for landscaping, this road is fully improved. (See Condition A-6)

Finding 3

NE 88th Street, as shown on the county Arterial Atlas, is classified as a 2-lane 'Urban Collector' road (C-2). The project proposes a 30-foot half-width right-of-way (ROW), 19-foot half-width roadway, and 6-foot wide detached sidewalk along the frontage. The ROW dedication and improvements in accordance with CCC Table 12.05A.120-1 and Standard Drawing #12 shall include:

- A minimum half-width ROW of 30 feet
- A minimum half-width roadway of 19 feet.
- Curb/gutter, minimum detached sidewalk width of 6 feet, and landscaping

The proposed ROW and improvements for this road comply with the minimum requirements. The project shall extend the pavement beyond the property frontage to match the existing roadway to the west of the site with taper rates approved by the County. (See Condition A-7)

Finding 4

NE 91st Avenue, abutting the development on the east is partially improved in accordance with 'Neighborhood Circulator' road standards. The proposed ROW dedication and improvements to complete the improvements will include:

- A partial-width ROW of 24 feet for a total of 54 feet
- A half-width roadway of 18 feet for a total of 36 feet

- Curb/gutter and minimum sidewalk of 5 feet on the west

The proposed ROW and improvements for this road comply with the minimum requirements in accordance with CCC Table 12.05A.120-3 and Standard Drawing #13.

Finding 5

NE 89th Avenue is proposed as a 'Neighborhood Circulator' road. The ROW dedication and improvements in accordance with CCC Table 12.05A.120-3 and the Standard Drawing #13 will include:

- A minimum width ROW of 54 feet
- A minimum roadway of 36 feet
- Curb/gutter and minimum sidewalk of 5 feet

The proposed ROW and improvements for this road comply with the minimum requirements.

Finding 6

NE 86th Street to the east has been classified and constructed to "Urban Neighborhood Circulator" road standards. A section of this road stubbed to the property line on the east is partially constructed with a paved width of 20 feet, curb/gutter, and 5-foot sidewalk on the south side, all within a 40-foot ROW. The existing improvements for this roadway conform to the "Urban Neighborhood Circulator" road standards. On the preliminary plans, this road is shown as a "Neighborhood Circulator" road. However, a memorandum from the applicant's traffic engineer indicates that the proposed section of NE 86th Avenue should conform to "Local Residential Access" road standards since this road will serve less than 1500 ADT. In accordance with CCC Table 12.05A.120-3, these roads are designed to provide access to maximum of 150 houses or for 1500 average daily traffic (ADT).

Staff concurs with the applicant that the proposed extension of NE 86th Street to the west of NE 89th Avenue, provided that the intersection is appropriately designed, may conform to 'Local Residential Access' road standards, CCC12.05A, Standard Drawing #14, with:

- A minimum ROW of 46 feet
- A minimum roadway of 28 feet
- Curb/gutter and minimum sidewalk of 5 feet

This development will be required to remove the existing barricade along NE 86th Street, however, to provide connection to the existing section with outlet to NE 94th Avenue to the east. Consistent with the existing improvements, the proposed extension of NE 86th Street from the easterly property line to the proposed NE 89th Avenue shall conform to 'Neighborhood Circulator' road standards in accordance with CCC12.05A, Standard Drawing #13, with

- A minimum width ROW of 54 feet
- A minimum roadway of 36 feet
- Curb/gutter and minimum sidewalk of 5 feet

(See Condition A-8)

Finding 7

NE 85th Avenue, NE 85th Street, NE 90th Avenue, and NE 90th Loop are classified as 'Local Residential Access' roads. The ROW dedication and improvements in accordance with CCC Table 12.05A-3 and the Standard Drawing #14 shall include:

- A minimum width ROW of 46 feet
- A minimum roadway of 28 feet
- Curb/gutter and minimum sidewalk of 5 feet

The proposed ROW and improvements for this road comply with the minimum requirements.

Finding 8

NE 86th Circle, NE 87th Circle, NE 86th Court, and NE 87th Court are proposed as 'urban short cul-de-sac' roads. The required dedication and improvements in accordance with CCC 12.05A, Standard Drawing #29, consist of:

- A minimum width ROW of 42 feet
- A minimum width roadway of 24 feet
- Curb/gutter and a minimum sidewalk width of 5 feet
- The bulb of the cul-de-sac with a minimum of 30-foot radius paved cul-de-sac and 5-foot thickened sidewalk within a 35-foot radius ROW

The proposed ROW and improvements for this road comply with the minimum requirements.

Intersection Design

Finding 9

The proposed intersections shall be designed in accordance with Section CCC 12.05A.240. The proposed curb return radii and right-of-way chords at the intersection of NE 89th Avenue and NE 91st Avenue with NE 88th Street do not comply with the standards established in sections CCC 12.05A.240 and CCC Table 12.05A.120-1. The minimum intersection curb return radii shall be 35 feet with minimum right-of-way (or easement) chords of 25 feet. (See Condition A-9)

Sight Distance

Finding 10

In compliance with CCC Table 12.05A.250-2, the required sight distance at controlled intersections for the posted speed of 40 mph along uncontrolled roadway in either direction shall be 400 feet. The corner sight distance at the intersection of NE 91st Avenue with NE 88th Street in the easterly direction appears to be impaired due to the existing trees obscuring the line of sight. Although this is an existing condition, increased trips generated by this development will exacerbate traffic safety in this location. The applicant's traffic engineer shall propose a specific mitigation plan to address safety concerns due to deficient sight distance at this intersection. The

applicant shall submit and receive approval of the proposed mitigation plan to be reviewed during the final engineering plan review. (See Condition A-10)

Access Management

Finding 11

The proposed plans do not provide access to a portion of the property to the west of the creek, designated as Lot 146 currently zoned as highway commercial (CH). During the pre-application process, staff argued that the commercial portion of the property could not be accessed via NE 89th Avenue / NE 86th Street, proposed as residential access roads unless these roads are designed and constructed to "Urban Industrial" road standards. Commercial developments generate non-residential and truck traffic, which could potentially create unsafe conditions for the vehicles backing into the street from the residential driveways. Furthermore, the proposed residential roads do not provide adequate geometry or structural section to support daily traffic generated by commercial developments. Such developments normally require roads with acceleration / deceleration or center turn-lanes, thickened structural section, and curb return radii adequate to accommodate turning movements for trucks. The narrative submitted with the application indicates that the applicant intends to request a zone change for the commercial portion of the property to residential zoning or provide access to this portion of the site through a route other than NE 89th Avenue/NE 86th Street. Staff finds that due to uncertainties regarding rezoning of Lot 146 and the feasibility of an alternative access, the applicant, may potentially create a landlocked parcel with this development. (See Condition A-11)

Finding 12

In compliance with section CCC12.05A.210(2)(a)(i), direct access from the residential driveways onto NE 88th Street, classified as a collector road, are prohibited since access onto the proposed onsite local access roads can be provided. (See Condition A-12)

Pedestrian/Bicycle Circulation

Finding 13

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 12.05A.400. The proposed improvements include construction of sidewalk along the frontage of the existing and proposed road extensions. Bike lanes are not required for NE 88th Street, a C-2 collector, and urban access roads. Based on this information, the proposed pedestrian/bicycle circulation complies with the provisions of Section CCC 12.05A.400

Conclusions (Transportation Plan)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions A-5 through A-12, meets the requirements of the county transportation ordinance.

STORMWATER:

Approval Criteria

Finding 1

The Stormwater and Erosion Control Ordinance (CCC 13.29) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area and the platting of single-family residential subdivisions in an urban area. The project will create more than 2,000 square feet of new impervious surface and involves platting of single-family residential subdivision. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 13.29.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 13.29.200. This project is subject to the erosion control ordinance.

Stormwater Proposal

Finding 2

The project proposes to achieve the required stormwater quality and quantity control within the proposed “pre-settling (wet) pipe” systems, “ex-filtration” systems, and sand filter vaults located under the sidewalks throughout the development site. The preliminary stormwater design report indicates that the water quality facilities are designed to treat 70% of the 2-year, 24-hour storms, as required. The report indicates that the stormwater quantity control will be achieved by infiltration via perforated pipe/trench system located along the onsite roadways throughout the site. The project proposes to manage stormwater for all roof drains and foundation drains on each lot via individual perforated pipe/trench drain systems. The report indicates that other options may be explored for lots 73 through 87 and 113 through 130 due to low infiltration rates in these areas.

The narrative submitted with the application indicates that the stormwater facilities will be dedicated to the county to be publicly maintained.

Site Conditions and Stormwater Issues

Finding 3

The majority of the site has slopes of 0% to 5% and contains field grass, shrubs, and trees. The Curtin Creek and Padden Creek running from south to north through the site and wetland areas have slopes of approximately 25%. The existing residence and associated outbuildings will be removed prior to development of the site. The project proposes 5.92 acres of roof area and 6.38 acres of impervious area due to paved surfaces, sidewalks, and driveways.

Finding 4

Water quality treatment is proposed by means of a treatment train consisting of three treatment devices. The first device, identified in the preliminary stormwater report as “presettling (wet) pipe” will be used for pre-treatment. The second device in the treatment train is identified in the preliminary stormwater report as an “exfiltration

system” used for stream bank erosion control. The third device is sand filter vault used as a standard stormwater treatment BMP. The first two are not standard stormwater management facility accepted by Clark County stormwater ordinance. However, these types of facilities may be accepted as experimental BMP, provided that all the conditions in Section CCC 13.29.305(I) are met. The applicant shall be prepared to propose alternate methods and facilities for stormwater management in case the proposed BMPs are not proven effective in meeting the minimum water quality requirements. The third method is similar to an accepted BMP listed as RF.05 and RF.10 in subsection CCC 13.29.305(D). However, the proposed sand filters are to be contained in a closed vault structures.

The applicant proposes to place water quality and quantity control facilities in the public right-of-way and under the sidewalk in several locations throughout the site. These systems, as proposed, are not easily maintainable and/or repairable without substantial costs and availability of additional equipment such as confined space gears and appropriate machinery. The County Maintenance & Operations Manager has expressed concerns about the degree of uncertainty for durability of these systems and substantial efforts that will need to be expended to maintain them. Staff finds that the proposed devices are impractical for routine maintenance. Furthermore, if they are to be replaced, major reconstruction work will be required. The work may also involve replacing other utilities located in close proximity of the proposed storm facilities. For these reasons, staff is compelled to recommend denial of the application, unless the applicant revises the stormwater plan to address the previously described concerns.

Finding 5

The 1972 soil survey of Clark County published by USDA, SCS shows the site to be underlain by 72% Hillsboro loam (HIB) classified by AASHTO as soils with the designation of A-4 soils for the depths of 0 to 36 inches and A-1 for the depths of 36 to 62 inches below the ground surface (bgs); 21% Sifton gravelly loam (SvA) classified as A-2 soils for the depths of 0 to 16 inches bgs and A-1 soils for the depths of 16 to 60 inches bgs; and 7% McBee silt loam (MIA) classified as A-4 soils for the depths of 0 to 44 inches bgs and A-1 soils for the depths of 44 to 62 inches bgs. HIB and SvA soils are designated as hydrologic group “B” and MIA as hydrologic group “D”. In accordance with the provisions of CCC13.29.310(C)(1), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in AASHTO Specification M145 are suitable for infiltration.

The project proposes to achieve quantity control by infiltration. The applicant retained GeoDesign Inc. to conduct infiltration investigation at the subject site in April of 2004. The soil infiltration investigation report indicates that infiltration tests were conducted in 17 locations. Test locations are shown in the report (See Figure 2 of the report, Exhibit 8). The infiltration tests in these locations showed infiltration rates of more than 1000 inches per hour (iph) in TP-1 through TP-13, 120 iph in TP-14 and TP-15, and less than ½ iph in TP-16 and TP-17. All the tests were conducted at the depths of 4 to 5 feet below the existing ground. The laboratory tests on the soil samples have resulted in classification of the soils as A-1-a, A-1-b, and A-1. CCC 13.29 considers these soils as suitable for infiltration.

Finding 6

The submitted infiltration tests are performed in top 5 feet of soil layers. There are indications of impermeable layers consisting of silty material at the depths of 5 to 10 feet bgs, which may intercept flow in a vertical direction causing saturation of subgrade and flooding of adjacent properties. One of the owners of an adjacent property having experienced flooding of his property believes that the impermeable layer in the area is the cause. He has expressed his concerns about this particular issue and stormwater disposal method by infiltration within the Merritt's Hideaway development. To ensure that saturation of top layers of soil due to confinement of permeable soil layers will not cause adverse impact on the future homes within the development and properties downstream from the development, additional analysis at greater depths and possibly extending the infiltration facilities further to penetrate the impermeable soil layers will be required. This issue, although extremely crucial to the feasibility of stormwater quantity control by infiltration, is not a basis for denial and can be a condition of approval.

Finding 7

Moderate to rapid groundwater seepage was observed during the infiltration investigation in TP-13, and TP-15 through TP-17. The county generalized water table altitude map shows the groundwater table in this area at approximate elevations of 210 feet. The county GIS mapping system shows the existing ground surface elevation contours being very close to the groundwater surface elevation. The applicant shall conduct further tests to determine the elevation of the high groundwater table since the groundwater significantly impacts the rate of infiltration. Furthermore, increased underground flow due to excessive infiltration in a short period of time within confined soil layers may cause a rapid rise in groundwater elevation which potentially can adversely impact the properties and/or the proposed lots located in low elevations. The applicant will be required to submit groundwater-mounding analysis to determine whether such concerns are warranted. If necessary, the stormwater quantity control plan shall be modified to mitigate such impacts. This issue, although extremely crucial to the feasibility of stormwater quantity control by infiltration system, is not a basis for denial and can be a condition of approval.

Finding 8

Based on the County's GIS mapping and site visits, staff finds that portions of the proposed site drains toward the adjacent properties. The stormwater plan does not include measures to prevent adverse impact on these properties. In accordance with the provisions of Section CCC 13.29.310(A)(7), no development within an urban area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The project will be required to comply with these provisions.

Erosion Control

Finding 9

Because the proposed stormwater runoff disposal is by infiltration, it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system until site construction is complete and exposed soil surfaces are stabilized. In order to protect the infiltration facilities from plugging during the construction of the subdivision and the future homes within the proposed lots, all runoffs

shall be conveyed to an onsite temporary sedimentation basin or be contained by other approved methods until such time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible.

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan **is not feasible**. Therefore, the requirements of the preliminary plan review criteria are not satisfied.

If the applicant chooses to submit a revised stormwater plan that addresses the deficiencies as described above, then, the following specific conditions and standard conditions are applicable. Additional conditions for the revised plans may be imposed.

FLOODPLAIN:

Applicability

Finding 1

The provisions of Flood Plain Combining District, CCC 18.327, are applicable to all areas of special flood hazard within the jurisdiction of Clark County. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for Clark County" and accompanying maps are adopted by reference and declared a part of CCC 18.327.

Finding 2

Portions of the subject site are within the 100-year floodplain. The subject site is in unstudied area of the national Flood Insurance Rate Maps (FIRM). Consequently, the flood limits are graphically represented but elevations are not shown (see FIRM Panel 311B). In accordance with CCC18.327.080(A)(4)(d), provisions for flood hazard reduction, where Base Flood Elevation (BFE) data has not been provided or is not available from another authoritative source, it shall be provided by the applicant for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less). This development proposes more than 50 lots and contains more than 5 acres of land. Therefore, compliance with the provisions of CCC18.327 will be required.

The county floodplain specialist has determined that the proposed phase I and II of the development as shown on preliminary plans will occur outside of the floodplain, therefore a flood plain permit will not be required. However, the final determination will be made based on the BFE data to be provided by the applicant. (See Condition A-13)

Conclusion (Floodplain)

Based upon the development site characteristics, the requirements of the floodplain combining district, and findings above, staff concludes that phases I and II of the development, subject to condition A-13, can comply with the provisions of Flood Plain Combining District. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Fire Protection Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-11)

Fire Protection Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Condition A-14)

Fire Protection Finding 4 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Condition A-15)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (See Conditions A-16, A-17 and A-18)

Fire Protection Finding 5 – Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Condition A-19)

WATER & SEWER SERVICE:

Finding 1

The site will be served by City of Vancouver water and Hazel Dell sewer district. Letters from the above purveyors confirm that services are available to the site.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition E-3)

Finding 3

The existing wells and/or septic systems are proposed to be abandoned. Submittal of an acceptable "Health Department Final Approval Letter" to the county is required at the time specified in the evaluation letter. (See condition E-3)

IMPACT FEES:

Finding 1

Except for 1 lot designated on the final plat as waived, Park (PIF), Traffic (TIF), and School (SIF) Impact Fees shall apply to the lots within this development. The site is within Park Facility Plan District No. 6 which has a total PIF of \$1,543.00 per lot (Acquisition - \$1,103.00, Development - \$440.00), the Orchards Traffic District which has a TIF of \$1,342.19 per lot, and the Evergreen School District which has a SIF of \$3,540.00 per lot. (See Conditions B-1 and D-3)

Impact fees for the commercial lot will be established at the time of site plan review.

If a building permit application is received more than three years following the preliminary plat approval, the Impact Fees will be recalculated according to the then current ordinance. This shall be noted on the face of the final plat. (See Conditions B-1 and D-3)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);

- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS is July 21, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on August 4, 2004.

<p align="center"><u>Public Comment Deadline:</u> <u>August 4, 2004</u></p>

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the

Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Dan Carlson, (360) 397-2375, ext. 4499
Susan Ellinger, (360) 397-2375, ext. 4272

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5) and the findings and conclusions stated above, staff recommends that the Hearings Examiner **DENY** this request. In the event that the Hearings Examiner decides to approve this request, staff recommends the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 12.05A.770(10) & (11) and 13.29.370.

- A-1** The applicant shall provide a covenant for recording, or a copy of a recorded covenant, which prohibits any development of the wetland and habitat areas. (See Land Use Finding 5)

- A-2** All requisite mitigation shall be installed prior to Final Plat approval, unless otherwise postponed through the establishment of a performance/maintenance bond, escrow account, or other financial guarantee acceptable to the Planning Director. (See Habitat Finding 1)
- A-3** All proposed fencing and required habitat signage shall be placed prior to Final Plat approval. (See Habitat Finding 1)
- A-4** A qualified biologist or environmental consultant shall be on-site during snag erection or downed woody debris placement, in order to minimize habitat disruption to what is absolutely necessary to accomplish the project. (See Habitat Finding 1)
- A-5** The existing barricade across NE 86th Street shall be removed to provide connection between the existing stub and the proposed extension of this road. The applicant shall submit a plan and receive approval for transitioning the proposed roadway once the existing barricade is removed. (See Transportation Finding 1)
- A-6** This project is required to install landscaping along the property frontage on Padden Parkway. (See Transportation Finding 2)
- A-7** The project shall extend the pavement along NE 88th Street beyond the property frontage to match the existing roadway to the west of the site with taper rates approved by the County. (See Transportation Finding 3)
- A-8** The extension of NE 86th Street from the easterly property line to NE 89th Avenue shall conform to 'Neighborhood Circulator' road standards. The extension of this road to the west of intersection with NE 89th Avenue, provided that the intersection is appropriately designed, may conform to 'Local Residential Access' road standards. (See Transportation Finding 6)
- A-9** The minimum intersection curb return radii at intersection of NE 91st Avenue and 89th Avenue with NE 88th Street shall be 35 feet with minimum right-of-way (or easement) chords of 25 feet. (See Transportation Finding 9)
- A-10** The applicant shall submit a sight distance certification letter prepared by a licensed engineer in the State of Washington to address any potential sight distance deficiencies at the intersection of NE 91st Avenue and NE 88th Street. If necessary, the applicant shall submit and receive approval of a mitigation plan. (See Transportation Finding 10)
- A-11** The applicant shall record a covenant running with the land that indicates if the commercially zoned portion of the site (Lot 146) is developed as a commercial development, the developer will be solely responsible for providing approvable access to that development; access to residential access roads will require a separate review and approval; and furthermore, the developer acknowledges that direct access onto Padden Parkway will not be permitted. The proposed

language, but not the intent of the covenant, may be modified during the final plat approval process. (See Transportation Finding 11)

- A-12** Direct residential driveway access onto NE 88th Street will not be permitted. (See Transportation Finding 12)
- A-13** The applicant shall submit analysis to include the flood elevations within the subject site, and if applicable, obtain a flood plain permit prior to the approval of grading and/or construction plans. The applicant, therefore, accepts the responsibility for changes to the preliminary site plan that may be required in order to comply with the conditions of the flood plain permit. (See Floodplain Finding 2)
- A-14** Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Fire Protection Finding 3)
- A-15** Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Fire Protection Finding 4)
- A-16** Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. (See Fire Protection Finding 4)
- A-17** The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. (See Fire Protection Finding 4)
- A-18** The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (See Fire Protection Finding 4)
- A-19** The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding 5)

B. Conditions that must be met prior to issuance of Building Permits

- B-1** Impact fees shall be paid prior to issuance of a building permit for each lot as follows:
- Park Impact Fees: \$1,543.00 (Park District No. 6)
(Acquisition - \$1,103.00. Development - \$440.00)

- Traffic Impact Fees: \$1,342.19 (Orchards TIF sub-area)
- School Impact Fees: \$3,540.00 (Evergreen School District)

Impact fees for the commercial lot will be established at the time of site plan review.

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate. (See Impact Fee Finding 1)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Archaeological (all plats):

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-2 Mobile Homes:

"Placement of Mobile Homes is prohibited."

D-3 Impact Fees:

"In accordance with CCC 40.610, except for 1 lot designated on the final plat as waived and Lot 146 (to be established at the time of site plan review), the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$3,540.00 (Evergreen School District), \$1,543.00 (\$1,103.00 - Acquisition; \$440.00 - Development for Park District #6), and \$1,342.19 (Orchards TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-4 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all lots as noted. Sidewalks considered to be the responsibility of the developer, shall be constructed prior to final plat approval."

D-5 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-6 Wetland Covenants:

"Clark County Wetland Protection Ordinance (Clark County Code Chapter 13.36) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this Plat."

D-7 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all lots as noted. Sidewalks considered to be the responsibility of the developer, shall be constructed prior to final plat approval."

D-8 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-9 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-10 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-11 Driveways:

"No direct access is allowed onto the following streets: NE Padden Parkway and NE 88th Street."

D-12 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 12.05A."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- E-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

- E-2** This project is proposed for phased development as shown on the proposed preliminary plat (Ex. 5). Any extension requests shall be in compliance with CCC 18.600.105. (See Land Use Finding 2)

Water Wells and Septic Systems:

- E-3** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

Habitat:

- E-4** The applicant shall implement the "Habitat Conservation Plan," submitted by Ecological Land Services, Inc. and dated March 22, 2004, except as amended herein. (See Habitat Finding 1)
- E-5** A copy of this mitigation plan shall be available on-site during construction, for inspection by Clark County development inspection personnel. (See Habitat Finding 1)
- E-6** Appropriate demarcation and signage of the reduced habitat boundaries shall be in place prior to initiating any groundbreaking activity. (See Habitat Finding 1)
- E-7** Signage shall be posted along the habitat boundaries at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and be perpetually maintained by the homeowners in such a manner so as to sufficiently identify and protect habitat functionality. (See Habitat Finding 1)
- E-8** A qualified biologist or environmental consultant shall be on-site during snag erection or downed woody debris placement, in order to minimize habitat disruption to what is absolutely necessary to accomplish the project. (See Habitat Finding 1)

Wetlands:

- E-9** The requirements of CCC Section 13.36.250 shall apply even if no impacts are proposed. These requirements include:
- a) Demarcation of wetland and/or buffer boundaries established prior to, and maintained during construction (i.e. sediment fence;
 - b) Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;

- c) Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state; and,
- d) Showing the wetland and buffer boundaries on the face of the Final Plat and including a note that refers to the separately recorded conservation covenant.

Archeological:

- E-10** The applicant is required to adhere to all conditions of the Washington State Office of Archaeology and Historic Preservation Excavation Permit #04-01. (See Archeology Finding 1)

Fire Protection:

- E-11** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)

Transportation:

- E-12** Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.

Stormwater:

- E-13** Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 13.29.

Pre-Construction Conference:

- E-14** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

Erosion Control:

- E-15** Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.29.
- E-16** For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-17** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-18** Erosion control facilities shall not be removed without County approval.

Excavation and Grading:

- E-19** Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- E-20** Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Landscaping:

- E-21** Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14)

calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>